



ATTORNEY DOCKET NO.: 2006164-0002 (BCF 10652-006)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Denis GRAVEL, *et al.*

Examiner: TBA

Serial No.: 10/537,146

Art Unit: TBA

Filing Date: June 2, 2005

Title: **DERIVATIVES OF SUCCINIC AND GLUTARIC ACIDS AND
ANALOGS THEREOF USEFUL AS INHIBITORS OF PHEX**

Mail Stop: Amendments
Commissioner for Patents
P.O. Box 1450
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Sir:

INFORMATION DISCLOSURE STATEMENT

Pursuant to the duty of disclosure under 37 CFR §§ 1.56, 1.97 and 1.98, Applicant requests consideration of this Information Disclosure Statement.

Type of Statement

The present Information Disclosure Statement is:

☒ [X] An *original* Information Disclosure Statement; or

☐ [] A *supplemental* Information Disclosure Statement.

Certificate of Mailing

I certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Mail Stop: Amendments, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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The present Information Disclosure Statement is being filed:

- ☒ Pursuant to 37 CFR § 1.97(b); no fee or certification is required:
- ☐ Within three months of the filing date of a national application other than a continued prosecution application under § 1.53(d);
 - ☐ Within three months of the date of entry of the national stage as set forth in § 1.491 in an international application;
 - ☒ Before the mailing of a first Office action on the merits; or
 - ☐ Before the mailing of a first Office action after the filing of a request for continued examination under § 1.114.
- ☐ Pursuant to 37 CFR § 1.97(c) after the dates listed above but before the mailing date of any of a final action under § 1.113, a notice of allowance under § 1.311, or an action that otherwise closes prosecution in the application; Applicant hereby *either*:
- ☐ Certifies that *either*:
 - ☐ each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; or
 - ☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the

information disclosure statement was known to any individual
designated in § 1.56(c) more than three months prior to the filing
of
the information disclosure statement; or

☐ Includes herewith the fee set forth in § 1.17(p),

☐ Pursuant to 37 CFR § 1.97(d), after the mailing date of any final action under
§ 1.113, a notice of allowance under § 1.311, or an action that otherwise closes
prosecution in the application; Applicant hereby *both*:

☐ Certifies that *either*:

☐ each item of information contained in the information disclosure
statement was first cited in any communication from a foreign
patent office in a counterpart foreign application not more than
three months prior to the filing of the information disclosure
statement; or

☐ That no item of information contained in the information
disclosure statement was cited in a communication from a foreign
patent office in a counterpart foreign application, and, to the
knowledge of the person signing the certification after making
reasonable inquiry, no item of information contained in the
information disclosure statement was known to any individual
designated in § 1.56(c) more than three months prior to the filing
of
the information disclosure statement; and

☐ Includes herewith the fee set forth in § 1.17(p).

Content of the Information Disclosure Statement

Applicant hereby makes of record in the above-identified application the reference(s) listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

Applicant includes copies of references as indicated below:

- ☒ A copy of each cited reference not indicated with an asterisk is included;
- ☐ Copies of references indicated with an asterisk on the attached form PTO-1449 are not included pursuant to 37 CFR § 1.98(d) because they were previously provided to the United States Patent Office in an Information Disclosure Statement that complies with 37 CFR § 1.98(a)-(c) and was submitted in the following patent application that is relied upon in the present case for an earlier effective filing date under 35 USC § 120:

Serial Number	Filing Date	Status

- ☐ Copies of English translations of one or more non-English references are included.

Applicant hereby makes the following additional information of record in the above-identified application:

Applicant certifies that the Information Disclosure Statement *either*:

- ☐ Does not contain non-English language citations;
- ☐ Includes one or more translations of a non-English citation; or
- ☒ Does contain non-English language citations, of which the following is a concise explanation: Translation may be provided upon request.

Remarks

The submission of this Information Disclosure Statement should not be construed as a representation that a search has been made.

The submission of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in § 1.56(b) .

The submission of this Information Disclosure Statement shall not be construed as a representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 USC §102.

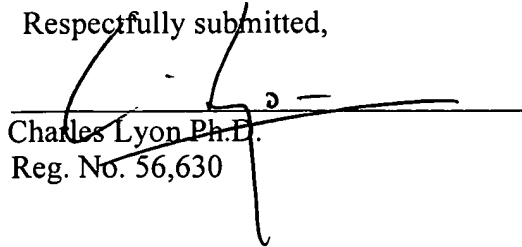
It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited patent(s) and publication(s) has (have) been fully considered by the Patent and Trademark Office during the examination of this application; and
3. The citations for the patent(s) and publication(s) be printed on any patent which issues from this application.

Notwithstanding any statements by Applicants, the Examiner is urged to form his or her own conclusions regarding the relevance of the cited reference(s).

Dated: November 22, 2005

CHOATE, HALL & STEWART, LLP
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Respectfully submitted,

Charles Lyon Ph.D.
Reg. No. 56,630

INFORMATION DISCLOSURE STATEMENT
(Use several sheets if necessary)

Applicant: Denis Gravel, et al.

Filing Date: June 2, 2005

Group:

U.S. PATENT DOCUMENTS

Examiner's Initials	U.S. Patent No.	Applicant	Issue Date	Class	Subclass

U.S. PATENT APPLICATIONS

Examiner's Initials:	Serial Number:	Applicant:	Filing Date:	Group:	Art Unit:

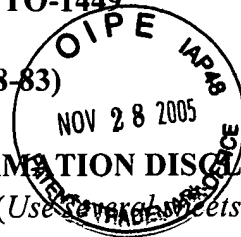
FOREIGN PATENT DOCUMENTS

Examiner's Initials	Document No.	Country	Date	Translation	
				Yes	No
	EP 0254 032	Europe	27 January 1988		
	EP 0412 595	Europe	13 February 1991		
	EP 0566 157	Europe	20 October 1993		
	FR 2 372 804	France	30 June 1978		X
	FR 2 377 374	France	11 August 1978		X
	WO 97/05865	International	20 February 1997		
	WO 99/11606	International	11 March 1999		
	WO 00/50580	International	31 August 2000		
	WO 02/092128	International	21 November 2002		
	WO 02/15918	International	28 February 2002		
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OTHER DOCUMENTS

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	ADHR Consortium, et al., "Autosomal Dominant Hypophosphataemic Rickets Is Associated With Mutations In FGF23" <i>Nat. Genetic</i> 26 : 345-348, 2000.
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Form PTO-1449 (REV. 8-83) INFORMATION DISCLOSURE STATEMENT (Use separate sheets if necessary)	U.S. Department of Commerce Patent and Trademark Office	Atty. Docket: 2006164-0002 (BCF) 10652-006)	In re Application No. 10/537,146 Applicant: Denis Gravel, <i>et al.</i> Filing Date: June 2, 2005 Group:
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	Applicant: Denis Gravel, et al.	
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EXAMINER

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EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.